

The Thirteenth Judicial Circuit Court 1999 Annual Report



Leland Courthouse



Bellaire Courthouse



Traverse City Courthouse

Grand Traverse, Leelanau and Antrim Counties

INTRODUCTION

The Thirteenth Judicial Circuit Court serves the citizens of Antrim, Grand Traverse and Leelanau Counties. The Court is a trial court of general jurisdiction which hears civil cases involving damages or loss of \$25,000 or more, matters in equity including such things as requests for injunctive relief, domestic relations matters, appellate review of lower courts and tribunals, and criminal felony cases. Civil cases involving damages or loss under \$25,000 fall within the District Court's jurisdiction, as do misdemeanor criminal cases, traffic offenses and small claims matters.

Jurisdiction over juvenile criminal cases, child abuse and neglect, guardianships of juveniles, and adoption proceedings, as well as domestic relations matters, is vested in the Family Division of the Circuit Court. The Chief Judge of the Circuit is responsible for the supervision of the Family Division. Each County Probate Judge is the Presiding Judge of the Family Division within his county of election for a term ending December 31, 2001.

The Court and its three constituent counties work together under an Operating Agreement which describes the authority and responsibilities of each branch of government and their obligations in relation to each other. This agreement establishes an equitable formula by which each county shares the expenses of financing the Court.

Each of the county seats within the Circuit has an independent County Clerk/Circuit Court Records Office which is responsible for filing and maintenance of the Court's records. This office also manages the process of identifying and notifying potential jurors for all Circuit Court trials. Grand Traverse County cases are heard in Traverse City, which houses the administrative offices of the Court. Court is held in Leland and Bellaire on regularly scheduled motion days and on dates scheduled for trials in Leelanau and Antrim Counties, respectively.

This Report is part of the Court's ongoing effort to provide taxpayers, litigants, counsel and fellow governmental officials with current information regarding the Court's operations. Where relevant, new legislation and its impact on administrative functions is discussed. Also, an effort is made to introduce the people who staff the Court and without whom the Court could not function.

JUDGES OF THE THIRTEENTH JUDICIAL CIRCUIT COURT

Circuit Court Judges Philip E. Rodgers, Jr. and Thomas G. Power serve their constituents as Circuit Court Judges in all three counties and also serve the Family Division by presiding over all Grand Traverse County cases encompassed within the jurisdiction of the Family Division that do not involve minor children.

Judicial assignments to the two Circuit Court Judges are made by a random, alternating case selection process so that each judge is assured an equal assignment of cases by case type; for example, domestic relations cases not involving minor children, civil matters, auto negligence, criminal felonies, and so on.

HON. PHILIP E. RODGERS, JR.



Judge Rodgers was first elected to the bench in 1990, and was re-elected without opposition in 1996. Judge Rodgers served as Chief Judge from 1992 through 1997. Prior to assuming the bench, the Judge was a partner and trial attorney in the law firm of Menmuir, Zimmerman, Rollert and Kuhn.

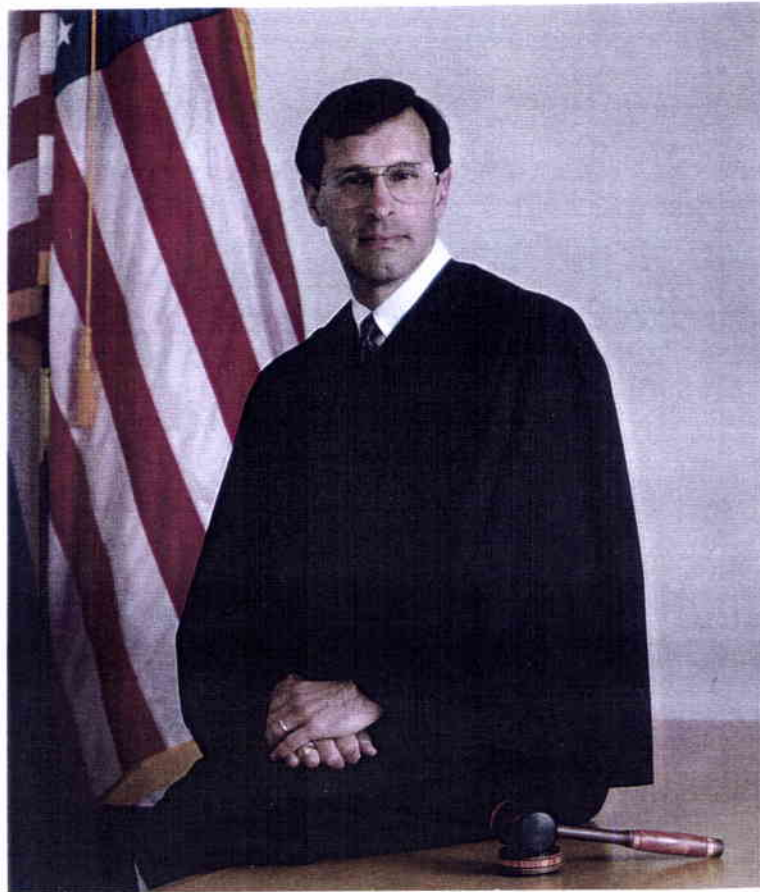
Judge Rodgers graduated in 1978 from the University of Michigan Law School. He had previously obtained his undergraduate degree from the University. He also received a Masters of Public Policy Degree from the University in 1977.

As a college student, the Judge was a Rotary International Graduate Fellow and spent a year in England studying public finance economics. Later, the Judge joined the Traverse City Rotary Club and served for six years on the Board of Directors of Rotary Charities.

Judge Rodgers has served his community through participation on the City Commission for four years, and was Mayor of the City of Traverse City in 1989. The Judge continues to be a trustee of the National Cherry Festival.

The Judge is married and has four children.

HON. THOMAS G. POWER



Judge Power is a native of Traverse City. He was elected to the bench in 1992. He began serving his second term on the bench January 1, 1999, after running for re-election without opposition. Judge Power has served as Chief Judge of the Circuit Court.

Prior to his election, Judge Power served with distinction in the Michigan State Legislature for ten years. Among his important committee assignments was the House Judiciary Committee. Judge Power practiced law in Traverse City with the law firm of Elhart and Power.

Judge Power graduated from the University of Michigan Law School in 1974, having first obtained his undergraduate degree from Carleton College in Northfield, Minnesota. Judge Power later obtained a Masters Degree in taxation from New York University in 1978. He is a 1968 graduate of Traverse City High School.

Judge Power is a member of the Traverse City Rotary Club, a past Traverse City School Board member and past member of the Grand Traverse/Leelanau Mental Health Board.

The Judge is married and has two children.

JUDGES OF THE FAMILY DIVISION

HON. JOHN D. FORESMAN



Judge Foresman serves his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments. Effective January 1, 1998, Judge Foresman also serves the Family Division by presiding over all Grand Traverse County cases encompassed within the jurisdiction of the Family Division which involve minor children.

Judge Foresman was first elected Grand Traverse County Probate Judge in 1988 and began serving in that capacity on January 1, 1989. He was re-elected without opposition in 1994.

Prior to taking the bench, Judge Foresman was the Prosecuting Attorney for Grand Traverse County. Judge Foresman moved to Traverse City after practicing as an assistant prosecuting attorney for Wayne County.

Judge Foresman received his law degree from the Detroit College of Law after obtaining his undergraduate degree from Michigan State University.

The Judge is married and has three children.

HON. JOHN W. UNGER



Judge Unger serves his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments. Effective January 1, 1998, Judge Unger also serves the Family Division by presiding over all Antrim County cases encompassed within the jurisdiction of the Family Division.

Judge Unger graduated from Bellaire High School. He received his undergraduate degree from Dartmouth College and his law degree from the University of Michigan.

Prior to his election to the bench in 1976, Judge Unger had a private law practice in Bellaire. Initially Probate Judge in Antrim Court was a part-time position. When Antrim County became entitled to a full time judge, Judge Unger became that judge. He is the only person to ever fill this position. He has been successfully re-elected on three occasions.

Judge Unger is married and has two children.

HON. JOSEPH E. DEEGAN



Judge Deegan serves his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments. Effective January 1, 1998, Judge Deegan also serves the Family Division by presiding over all Leelanau County cases encompassed within the jurisdiction of the Family Division.

Judge Deegan was first elected Probate Judge for Leelanau County in 1988. He took office on January 1, 1989 and was re-elected to a second term in November of 1994. Prior to taking the bench, Judge Deegan was Leelanau County Prosecuting Attorney for two terms from 1981 to 1988.

Judge Deegan earned his law degree from the University of Detroit Law School in 1963 after obtaining his undergraduate degree from Sacred Heart Seminary College in Detroit.

Judge Deegan is married and has seven children.

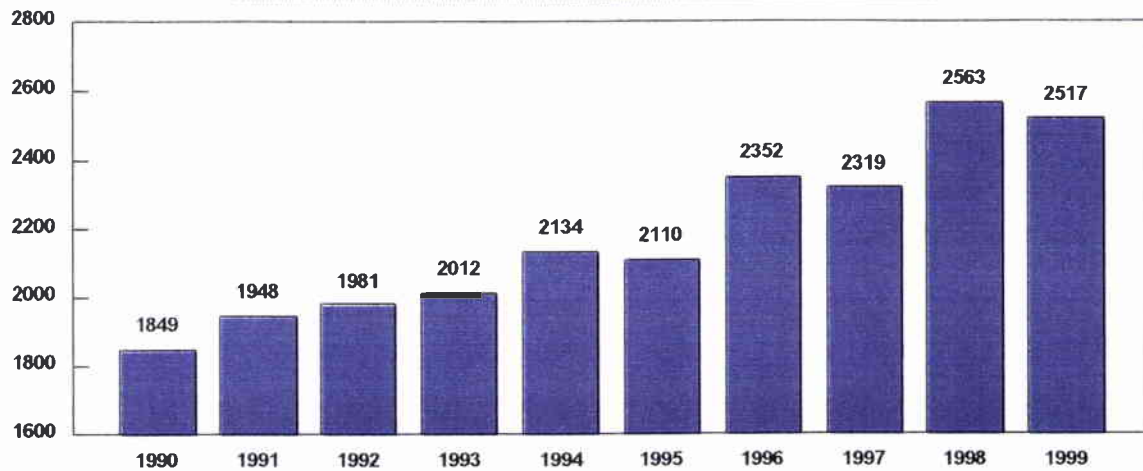
CIRCUIT COURT CASE LOAD

The Thirteenth Circuit is one of the busiest in the state. In 1999, there were 2517 new filings in the Circuit and 33 reopened cases. This is 46 fewer new cases than were filed in 1998. Of these new filings, 1098 were Family Division domestic relations cases, including requests for personal protection orders. Continued aggressive case management procedures and policies within the Circuit resulted in a total of 2660 cases being disposed of during 1999. Of these, 1165 were Family Division domestic relations cases and domestic relations personal protection orders. The two Circuit Court Judges disposed of a total of 1706 cases for an average disposition rate of 853 cases per judge. The three Family Court Judges disposed of 954 domestic relations cases and domestic relations personal protection orders for an average domestic relations case disposition rate of 318 cases per judge.

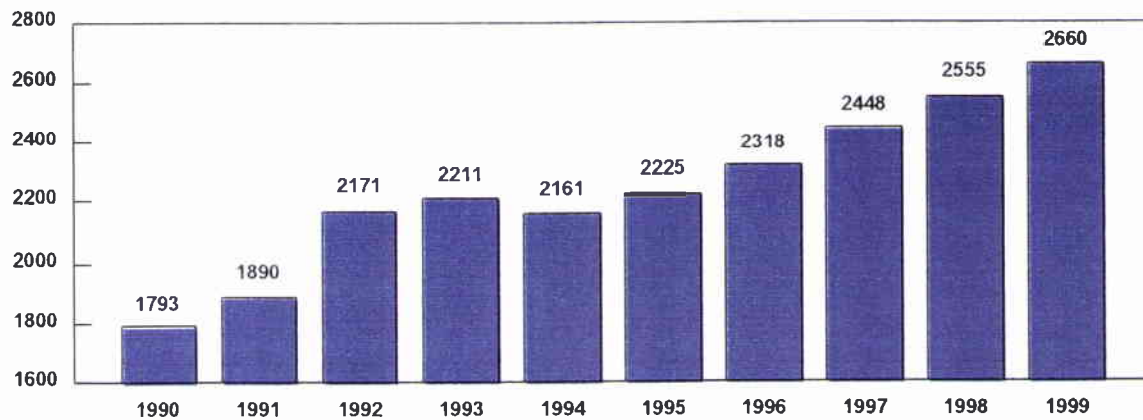
The Court continues to reduce its docket by having visiting judges preside over criminal and civil trials which would otherwise have to be adjourned due to scheduling conflicts. The District Court Judges, Michael J. Haley and James R. McCormick, have been called upon and have graciously provided assistance.

The number of unresolved cases or backlog continues to decline. At the end of 1998, 922 cases remained unresolved. At the end of 1999, only 803 cases remained unresolved. Thus, the number of dispositions continues to increase, resulting in more cases being resolved more expeditiously. At the end of 1999, only two of the unresolved cases were older than 18 months. The Court has not had any case pending for as long as two years for many years.

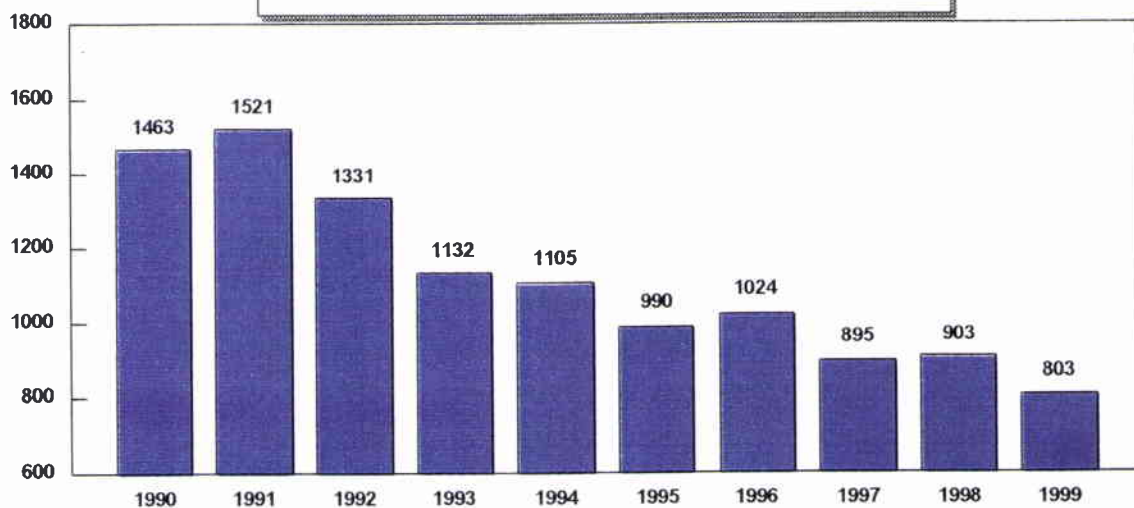
13th Circuit Court New Case Filings



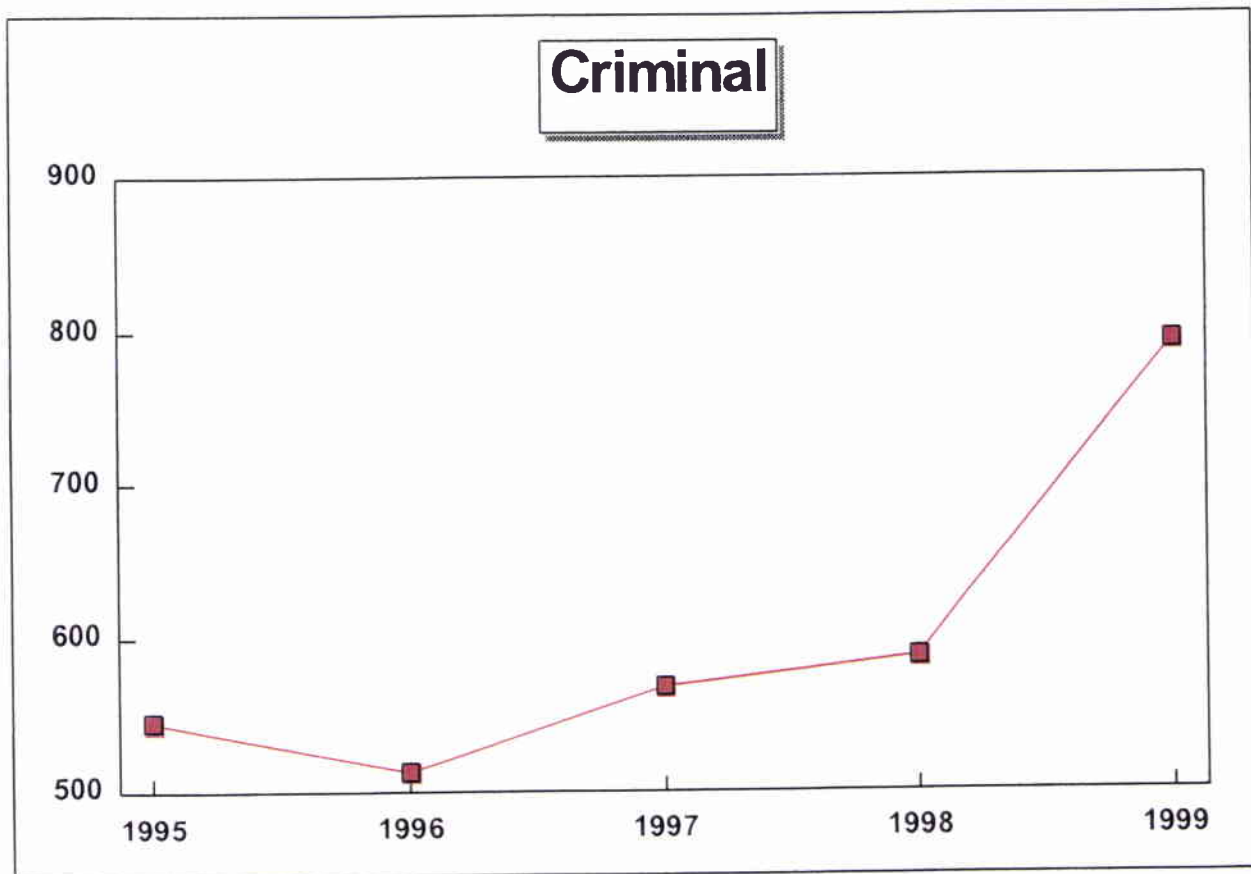
13th Circuit Court Case Dispositions



13th Circuit Court Cases Pending



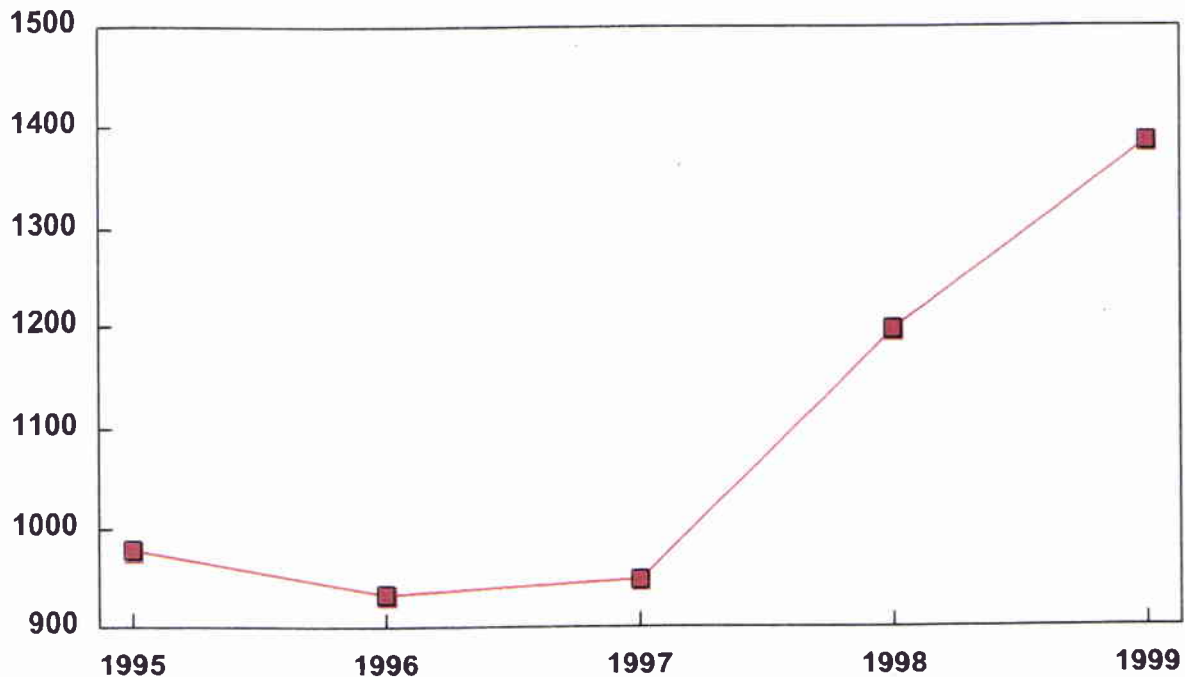
RECENT CASELOAD TRENDS



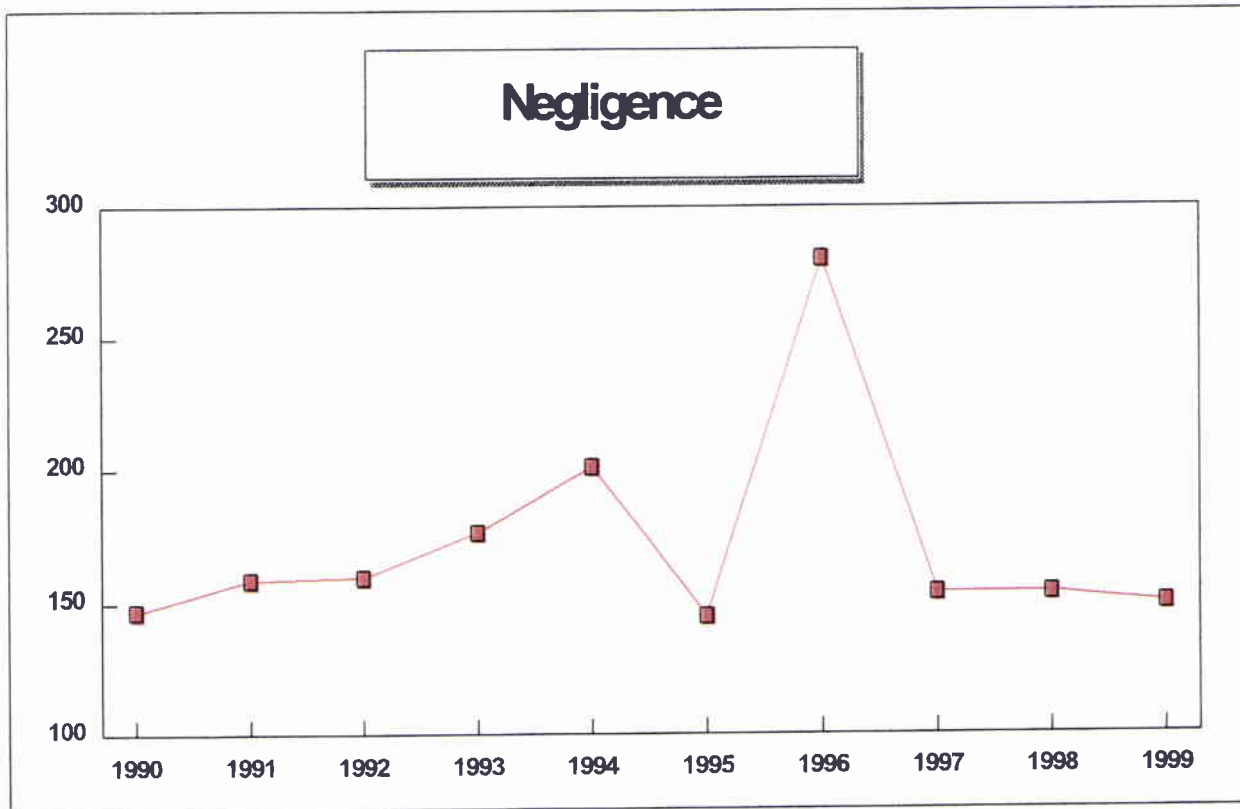
The criminal felony caseload within the Thirteenth Circuit has been relatively constant through the 1990's. There was a sharp increase in felonies in 1999. Part of this increase is due to many years of effective drunk driving enforcement resulting in more felony drunk driving cases being brought to the Circuit Court. The other growth area within the criminal justice system lies in theft related offenses. Many of these cases involve an embezzlement and are often related to an addiction the felon or the felon's spouse experiences with gambling. Most crime still has poor education, substance abuse and limited employment prospects at its root. The Thirteenth Circuit appreciates the quality of substance abuse treatment which is available locally as well as GED, other adult education programs, and treatment for compulsive gambling.

The Department of Corrections has been generous in its provision of probation officers so the caseloads are manageable and individuals willing to work towards an effective rehabilitation are generally successful. Although criminal felony filings have increased, the Court has not noted a significant increase in assaultive crimes.

Juvenile Delinquency

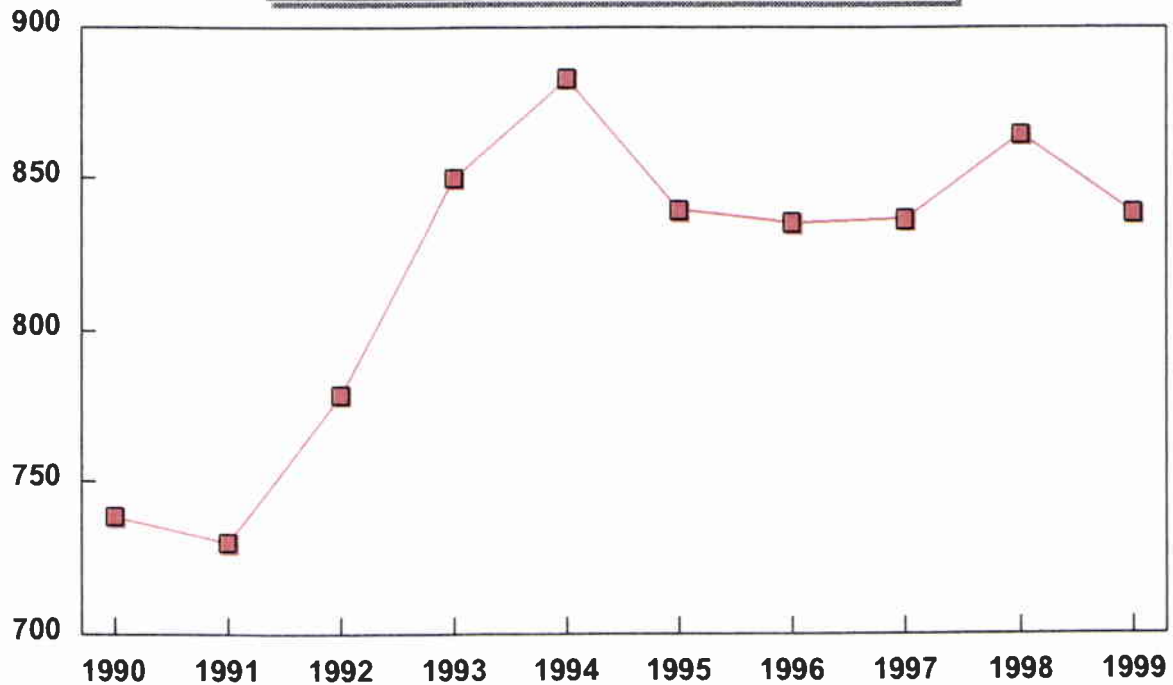


The dramatic spike in juvenile crime is somewhat misleading. Prior to 1998, civil infraction tickets for juvenile smoking, snowmobile violations, inappropriate skateboarding and the like were not reported in these figures. They are now. However, the Family Division Judges do recognize some increase in serious juvenile crime, including assaults and malicious destruction of property. Use of marijuana continues to be prevalent, but drugs such as LSD and cocaine are seen less often. The Thirteenth Circuit Court is hopeful that a juvenile detention and treatment facility may soon be available locally. The Grand Traverse County Commission is aggressively pursuing the construction of such a center and would offer it for region-wide use.



While negligence cases do not constitute the vast bulk of annual filings in Circuit Court, they are among the most complex and challenging cases. Typical cases include automobile trauma, medical negligence, premises liability and disputes regarding insurance coverage or benefits. The attention paid to these cases resulted in significant court reforms that were made effective for cases filed after the spring of 1996. There was a campaign conducted by attorneys to file as many cases as possible prior to this time deadline. Accordingly, this Court's tort filings peaked in 1996. Since then, tort cases have maintained their position as a relative constant portion of the Court's overall caseload.

Domestic Relations



Domestic relations filings tend to mirror population growth. Recognizing the increase in population in the Thirteenth Circuit during the 1990's, it is not surprising to see a significant increase in the filing of divorce actions. However, the family caseload also includes paternity actions which arise when a child is born to unwed parents. One consequence of diminishing social values nationally and within this Circuit has been an increasing number of paternity actions. Accordingly, while divorce filings were relatively stable during the latter part of the 1990's, paternity filings have increased. This reflects the fact that many more couples choose to live together and bring a child into the world without the benefits of marriage. On balance, this social change has caused significant consequences for the community. Such children are statistically more likely to need the benefit of social services and face an enhanced risk of poor academic performance, substance abuse and a negative relationship with the criminal justice system.

FAMILY DIVISION

The Family Division of the Circuit Court has jurisdiction over criminal cases involving minors, child abuse and neglect, guardianships of juveniles, adoption proceedings, and all domestic relations matters. The Probate Judges fulfill a dual role as Family Division Judges.

In Leelanau County, 161 new domestic relations cases were filed and 166 domestic relations cases were disposed of in 1999. In Antrim County, 193 new domestic relations cases were filed and 210 were disposed of in 1999. In Grand Traverse County, 530 new domestic relations cases involving minors were filed and 578 domestic relations cases involving minors were disposed of in 1999. In addition, 214 new domestic relations cases that did not involve minors were filed and 211 domestic relations cases that did not involve minors were disposed of in 1999.

The assignment of all domestic relations cases, and the scheduling within those cases, originates in the Circuit Court Administrator's Office in Traverse City. The assignment of all other Family Division cases and the scheduling within those cases originates in the relevant local office of the Family Division. Each county maintains a local office of the Family Division which is staffed with an administrator. In Antrim County, the Family Division Administrator is William Hefferan. In Leelanau County, the Family Division Administrator is Betsy Fisher. In Grand Traverse County, the Family Division Administrator is Ann Mapes. Family Division records are maintained in the County Clerk's Office for each respective County.

DOMESTIC RELATIONS and JUVENILE REFEREES

Dennis Mikko and Cynthia Conlon are the Court's Domestic Relations and Juvenile Division Referees. Referees provide assistance within the Family Division.



As the Court's Domestic Relations Referee, Dennis Mikko hears disputes involving minor children, whether in a divorce case, paternity file or support matter. He expedites hearings devoted to child custody, child support and parenting time. He also reviews requests for personal protection orders to determine if they contain sufficient information, both to enable the judges to sign them, and for law enforcement agencies to enter them into the Law Enforcement Information Network and enforce them. In 1999, the Referee conducted 70 hearings in custody and parenting time

disputes and 1,242 show cause hearings regarding support. The Referee also reviewed more than 500 requests for personal protection orders. Objections to child care contributions and to medical reimbursement demands are also being set before the Referees.



As the Court's Juvenile Referee, Cynthia Conlon hears juvenile delinquency and abuse and neglect matters. She conducts preliminary hearings and bond hearings. She hears probation violations, accepts pleas, handles status and traffic offenses, and decides juvenile dispositions. In 1999, the Juvenile Referee conducted more than 2100 delinquency proceedings and approximately 250 abuse and neglect proceedings.

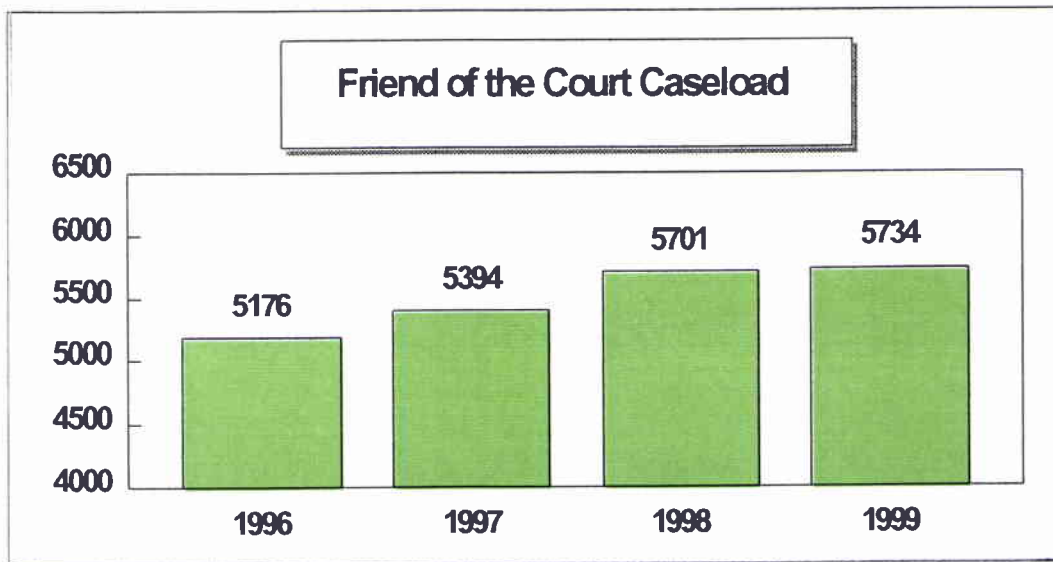
FRIEND OF THE COURT



Back Row: Danielle Higgins, Julie DuBay, Referee Cynthia Conlon, Ellen Peters, Lynne Stockwell, J. Paul Lezon
Middle Row: Gloria VanHoose, Terri Andresen, Sandy Schaub, Sandra Sinclair, Jennifer Overton, Dawn Willman
Front Row: Nanette Courson, Jeremy Hogue, Dawn Rogers, Al Crocker, Jayne Arnold

Dawn M. Rogers is the Friend of the Court. The Friend of the Court Office (“FOC”) is responsible for representing the best interests of the children in those cases which come before the Circuit Court Family Division because of divorce, custody, child support, visitation or paternity disputes. The FOC case managers conduct interviews, gather financial information, mediate with parties and prepare written proposals offering their recommendations for review by the Family Division Judges as to what would be the best resolution possible for the children. Whenever the Court enters an order regarding custody, child support, visitation or paternity issues, the FOC is responsible for enforcing that order.

Over the years, the FOC caseload has continued to increase. In 1999, the FOC Office had a total caseload of 5734 cases, including non-charging as well as charging cases, divided among seven FOC case managers. The FOC Office keeps a case active until the youngest child in the family graduates from high school or turns 19 ½ years of age. Long after the divorce is over, FOC case managers continue to work with the parents and their children.



In 1999, 695 new cases were added to the FOC caseload: 496 from Grand Traverse County, 119 from Antrim County and 79 from Leelanau County. One Tribal Court case was also added to the caseload. Of the new cases, 364 were divorces with minor children, 95 were filed under the Paternity Act, and 130 were filed under the Family Support Act. During 1999, a total of 617 initial orders were prepared. This is an average of more than 51 per month. The average

number of days between receipt of the pleadings and submission of a proposed order to the Court was approximately 24 days. In 79% of the new cases, an attorney (which could include the prosecuting attorney) represented the plaintiff. In 21% of the new cases, the parties had no attorney.

Of the initial orders generated by the FOC Office, nearly 61% granted custody to the mother, just about 5% granted custody to the father and over 16% provided for shared physical custody. The balance represent split cases, third party care and cases where custody of the children was reserved initially, usually due to the fact that the parties had not separated. In 41% of the initial orders, the parties agreed to custody at the initial conference.

The FOC Office conducted 1,016 support order reviews, an average of almost 85 reviews per month. The average number of days for the completion of a review was about 27. Nearly 26% of the reviews resulted in an increase of child support. In less than 4% of the cases was there a deviation from the Michigan Child Support Formula and most of those were deviations upward. Just over 39% of the reviews involved an issue of parenting time.

The Thirteenth Circuit Court has the best average collections per expenditures of all the circuits sampled in the State according to a study conducted by the DMG Maximus of Bay City. The FOC Office averages a 90% collection ratio on spousal support. In 1999, a total of \$15,666,964.75 was charged in child support. This represents an increase in excess of \$820,000.00 over 1998. Of the 1999 charges, \$12,047,556.70 was collected, resulting in a current charges to current collections ratio of 77%. An additional \$3,340,222.40 was collected as child support arrearage. When collections on arrearage are added to the current collections, the overall collection ratio is 98%.

The FOC case managers provide formal and informal mediation services. The total number of formal mediations has increased. In 1997, there were only 3 formal mediations. In 1998, there were 10 formal mediations. In 1999, FOC case managers conducted 14 formal mediations. Eleven of those resulted in an agreement or a withdrawal of a pending motion.

FOC Office initiatives in 1999 included the following:

- A standardized guideline for parenting time was developed and published.
- The case management staff received two days of intensive training in mediation skills under the direction of Zena Zumeta, an Ann Arbor mediation specialist.
- An agreement was reached for the FOC Office to provide services with respect to divorce cases in the Tribal Court.
- A Policies and Procedures Manual which will increase consistency and provide a reference and training tool was completed.
- Improvements were made in the telephone system and responsiveness. Everyone now

has voice mail, the routing of calls is improved, 800 access is restricted, and a general policy of returning calls within three days was established.

- The Case Management Assistants have received training in interstate enforcement. They regularly attend monthly meetings of FOC personnel involved in interstate enforcement.
- A grant was obtained from the State Court Administrative Office which enabled the FOC to partner with Child and Family Services to provide third party supervisors and a neutral place for visits between children and non-custodial parents in cases requiring supervised parenting time.
- Computer hardware and software were upgraded. Many staff members have internet access, which is a valuable resource for locating parents.
- All job descriptions and classifications were reviewed (rewritten where necessary) and a classification plan is under review.
- Referrals are being made to the Michigan Works! Program to help non-custodial parents obtain jobs and job training, driver's license suspensions have been initiated in appropriate cases, and referrals of cases for felony prosecution have increased.
- The main office area was refurnished and reorganized.

The FOC Office continues to offer the *Start Making It Liveable for Everyone* or SMILE Program locally six times each year. SMILE is an educational program designed to help divorcing parents help their children to cope and adjust. In the Thirteenth Circuit, participation in this program is mandatory. The FOC Office also maintains a list of qualified family counselors and, in cases of indigence, provides financial assistance for counseling services.

COURT ADMINISTRATOR'S OFFICE

The Court Administrator's Office is fully computerized. The Court can access its civil, domestic relations and criminal docket in all three counties through individual terminals in the Traverse City Circuit Court Administrator's Office. The Court has the ability to prepare computer-generated notices of hearings and trials which are then automatically entered into a case-tracking and informational record. The Court's civil and domestic relations court mediation scheduling, records and forms are programmed into the system. The Court's collections operation is also programmed into the system and includes victim information. Restitution disbursements are made by computer and show cause and wage assignment orders are generated by computer. The Collections Clerk is able to quickly generate accurate revenue and expenditure reports. Every member of the Administrator's Office staff is cross-trained and can perform the duties and responsibilities of other staff members when needed.

Court Administrator



MaryAnne Macy is the Court Administrator. MaryAnne has been instrumental in developing the Court's facilitative mediation program. She is a certified mediator and mediation trainer. In 1998, she served as a member of the Michigan Supreme Court Dispute Resolution Task Force and was actively involved in the development and maintenance of quality mediation resources for the local Conflict Resolution Service.

As Circuit Court Administrator, MaryAnne acts as the Court's chief executive officer. She is responsible for facilities management, caseload management, personnel and budgeting. She also acts as an administrative assistant to the Judges and implements policies and procedures which they propose.

Caseload Management

All Court scheduling for the two Circuit Court Judges, the three Family Division Judges and the Family Division Domestic Relations Referee is managed by Carol Devantier.

Matters included within the scheduling process are motion hearings, status conferences, settlement conferences and trials in domestic, civil and criminal cases. The Thirteenth Circuit strictly adheres to the Michigan Court Rules



time lines and Administrative Orders regarding case flow management. In every case, the Court's Scheduling Order sets forth the time line for the disposition of the case consistent with the time lines set by the State Court Administrator's Office ("SCAO.") Sample calendars and motion day listings are available from the Administrator's Office.

According to the Court's weekly calendar, Mondays are motion days with one of the two Circuit Court Judges hearing motions in Grand Traverse County and the other hearing motions in either Leelanau or Antrim County. Trials are scheduled for Tuesdays through Thursdays for all the counties. On Fridays, one Circuit Court Judge conducts Grand Traverse County criminal day and the other has settlement conferences in civil cases. After every motion and criminal day, Carol follows up on the status of the case.

Mediation and final settlement conferences result in the resolution of a large number of cases, thereby reducing taxpayer cost by reducing the overall need for jurors, compensation for lay and expert witnesses in criminal cases and delaying the need for additional judges and courtrooms.

The Antrim County Family Division Court is generally in session the first Thursday of every month in Bellaire. The Leelanau County Family Division Court is generally in session the third Wednesday of every month in Leland. The Grand Traverse County Family Division Court is generally in session the first and third Fridays of every month in Traverse City.

Hearings are scheduled before the Domestic Relations Referee in whichever county the case is pending whenever an Order Referring to Referee has been prepared and mailed to counsel of record. The Referee typically hears matters pending in Grand Traverse County on the first and third Wednesdays and Thursdays of every month, in Leelanau County on the second Wednesday of every month, and in Antrim County on the fourth Wednesday of every month. Carol schedules all domestic relations matters referred to Referee Mikko and, beginning in June of 1999, she also schedules personal protection order hearings every Wednesday afternoon in Grand Traverse County for Referee Conlon.

Mediation Clerk



Norma Sandelius is the Court's Mediation Clerk. Norma is responsible for monitoring all civil and domestic relations cases after they are ordered into court rules and/or facilitative mediation. She also generates statistical reports which assist the court in tracking the rate of resolution of cases.

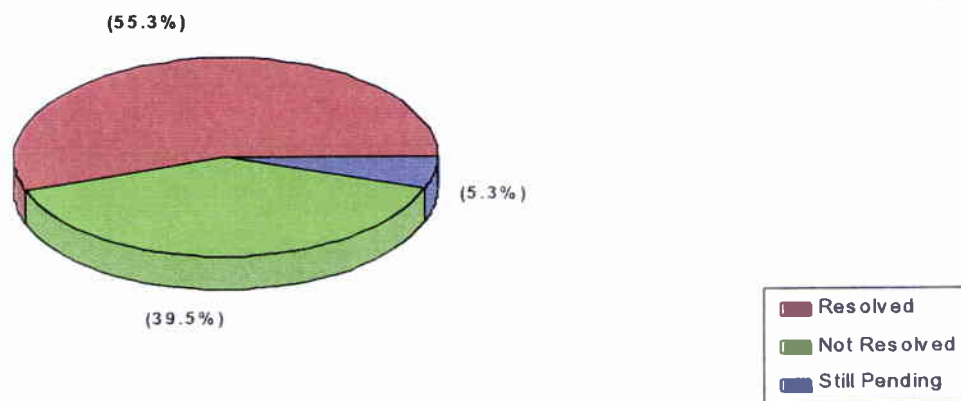
There are fifteen (15) court-approved Alternative Dispute Resolution ("ADR") facilitative mediators in the Thirteenth Circuit. Public Act 286 defines "mediator" as an impartial, neutral person

who assists parties in voluntarily reaching their own settlement of issues in a dispute and who has no authoritative decision-making power. Individuals providing Facilitative Mediation services to parties referred by the Court must have, at a minimum, the following qualifications:

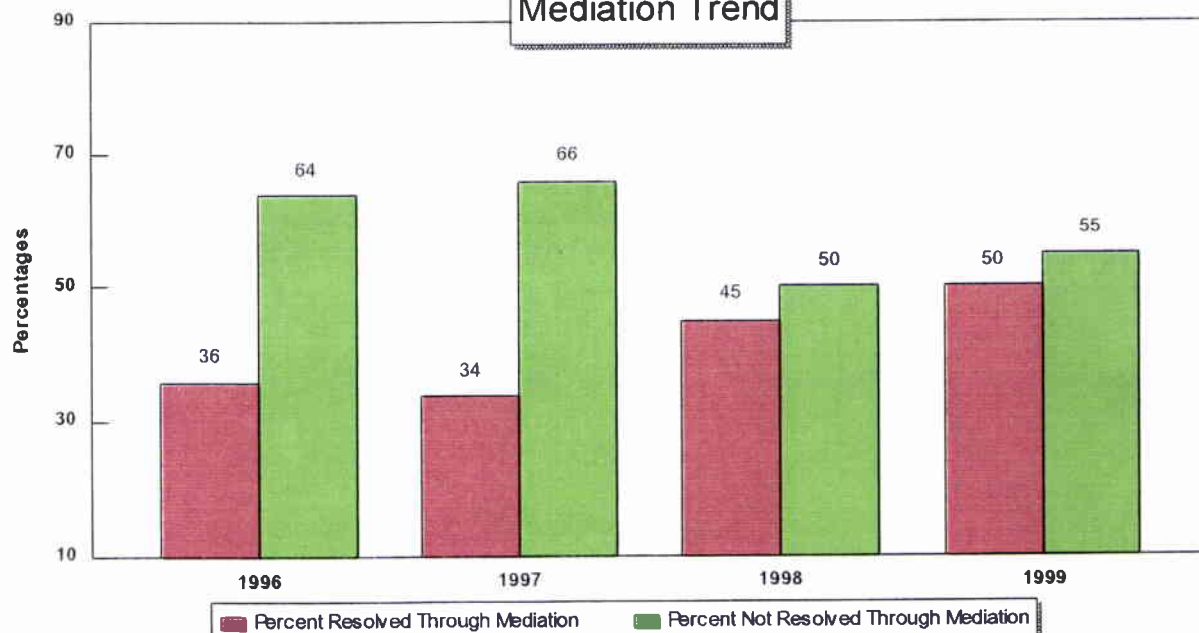
- 1) Completion of forty (40) hours of SCAO approved training as a mediator; and
- 2) Fifty (50) hours of service as a mediator in an organization which operates in full compliance with Public Act 286, MCL 691.1552 et seq; MSA 27.15(52) et seq., documentation to be provided to the Court; or
- 3) Completion of forty (40) hours of non-SCAO training as a mediator, syllabus of the training and completion certificate to be provided to the Court, and
- 4) Fifty (50) hours of service as a mediator in an organization approved by SPIDR, or another nationally recognized professional ADR organization, documentation to be provided to the Court.

As shown by the graphs on the following page, 101 cases were ordered into civil ADR facilitative mediation in 1999. Of those, 36 were settled or otherwise resolved prior to mediation. Of the 65 cases which were mediated, 30 cases or 46% were resolved, 34 cases or 52% were not resolved, and 1 case or .02% was still pending as of May, 2000.

Facilitative Mediation Disposition Rate



Mediation Trend



In August of 1999, the Court implemented the use of mediators to resolve property issues in domestic relations cases. There are eighteen (18) court-approved domestic relations mediators in the Thirteenth Circuit. In cooperation with the Grand Traverse-Leelanau-Antrim Bar Association, attorneys providing domestic relations mediation services to parties referred by the Court attended a 24 hour training program in May of 1999 under the direction of Zena Zumeta, an Ann Arbor mediation specialist. The costs for the training were shared by the Bar Association, the attorney participants and the Court.

During the last quarter of 1999, 65 cases were ordered to domestic relations facilitative mediation. Of those cases, 27 were resolved before the mediation took place. Of the 38 cases mediated, 21 or 55% were resolved, 15 or 40% were not resolved, and 2 or 5% were still pending as of May, 2000.

Judicial Secretary



Julie Arends is the Judicial Secretary in the Court Administrator's Office. She transcribes and types all judicial decisions, orders and correspondence. In addition, she reviews divorce cases that are pending in the Circuit Court prior to their hearing dates to determine whether the parties are in compliance as to service, notice and preparation of judgment. This information is referred to the judges prior to their motion days. Julie also prepares pre-trial worksheets and final settlement conference worksheets for the Court. Julie is cross-trained to function as both Receptionist and Mediation Clerk.

Judicial Secretary/Receptionist

Carrie Hahn is one of the Court's Judicial Secretaries and also serves as the Administrative Office Receptionist. She is responsible for answering the telephones, greeting litigants and their counsel, scheduling final divorce hearings, preparing and posting daily dockets, and reviewing and distributing daily incoming mail. She also assists in transcribing the Judges' notes, decisions, and other works. She docket attorney-noticed motions and expedites personal protection orders.

Carrie fulfills a vital role in case management. Among other things, she keeps the Judges' calendars updated, follows up on judgments and dismissals when due, and manages courtroom and court reporter assignments.

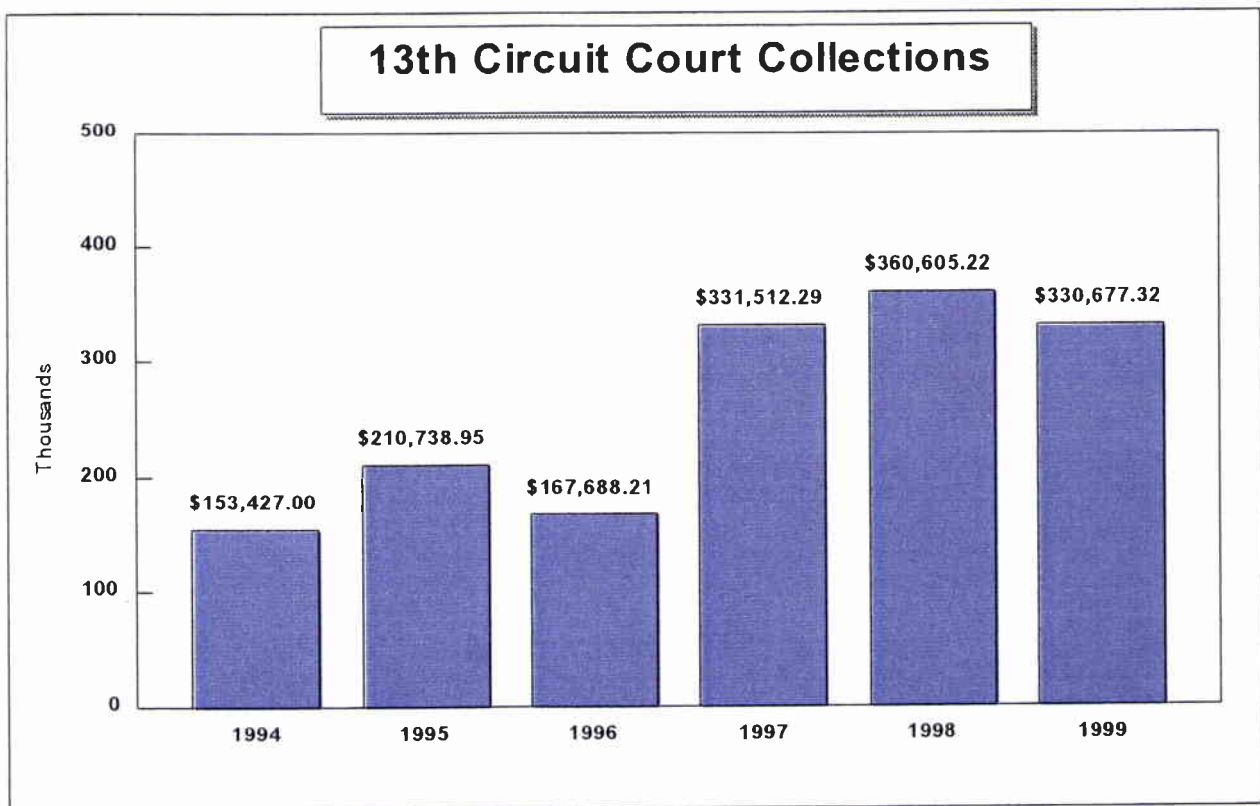


Collections

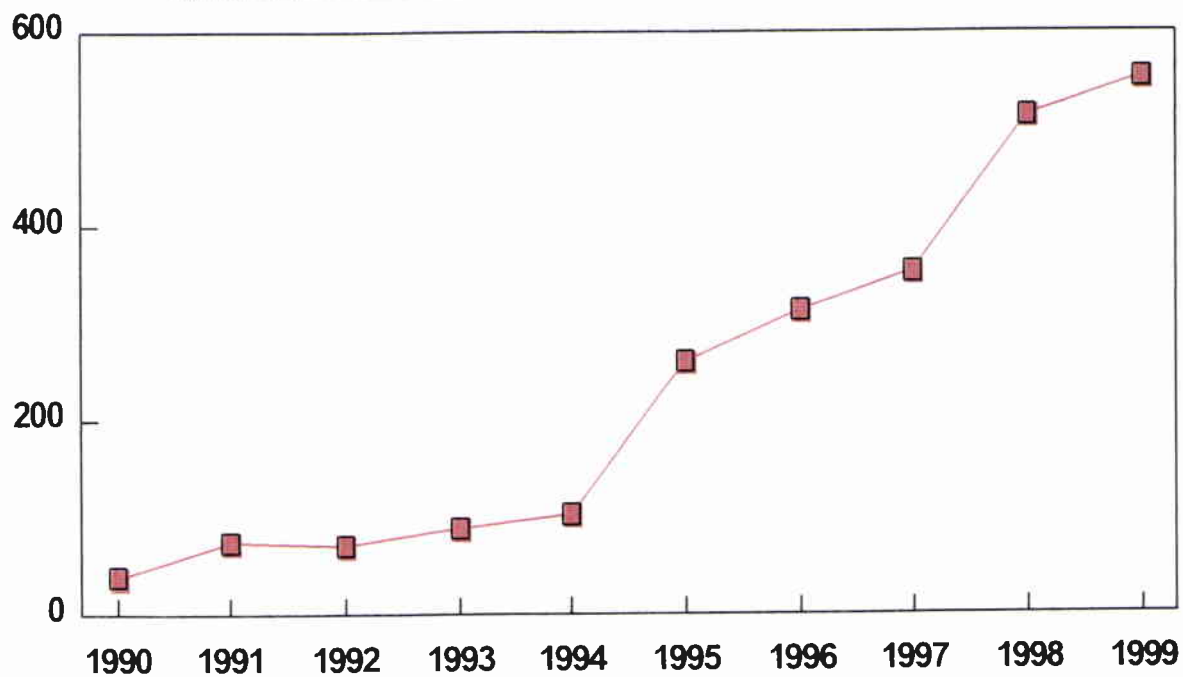


Teri Quinn is responsible for the collection of fines, costs, attorney fees and restitution from convicted felons. Teri's position oversees the Court's crime victim fund and provides backup assistance to the Court's full-time Receptionist. Teri was instrumental in developing the Court's criminal computer program relating to receipting of money due and reconciling those receipts against collections' records of amounts owed. Teri is also the Court's wizard with computer graphing.

In 1999, Sue Castle was employed part time to assist Teri with collections. Sue also worked closely with Teri on Program Development.



Personal Protection Orders



The personal protection order was a cause of action which did not exist in 1990. To protect individuals from relationships characterized by physical abuse, mental abuse or stalking, the Legislature created the personal protection order. Requests for the orders were relatively modest until 1995. They have now become a dominant portion of this Court's overall caseload and continue to rapidly grow. Fortunately, the volume of orders requested does not correlate with the level of physical abuse and stalking within the community. While many such cases do exist and the Court works aggressively with law enforcement to protect individuals, it is also true that a significant number of persons overstate the nature of the problems they are having in their relationship and often recant their allegations immediately after a protective order is issued. Handling these orders takes up a great deal of staff time as well as judicial resources.

COURT FINANCES

Grand Traverse County is the designated fiscal agent for the Thirteenth Circuit Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses and for maintaining the Circuit Court Operating Fund. The expenses of operating the Court are divided into "cost-shared" and "cost-direct" expenses. Cost-shared expenses include such items as salaries and fringe benefits, office space, computer data processing, office supplies, and other capital expenditures. These expenses are paid for out of the Operating Fund. On a monthly basis, each county pays into the Fund its pro-rata share of actual expenses incurred. The pro-rata share of each county is the same proportion as the number of cases entered and commenced in that county.

Cost-direct expenses include such items as Court appointed attorney fees, jury fees, witness fees, transcript fees, and courthouse security costs. These expenses are paid directly by each individual county.

In 1999, Antrim County transferred \$156,278 into the Operating Fund. Leelanau County transferred \$115,152. Grand Traverse County transferred \$806,918. The Local Crime Victims Fund accounted for \$5,460 in revenue. The Court's total revenue was \$1,083,809. Some of this revenue comes from the State. Some of it is generated through filing fees, fines and court costs assessed by the County Clerks' Offices. Some of it is generated through collection efforts to recoup costs, fines, appointed attorney fees, restitution, and crime victim payments in criminal cases. In this latter category, Antrim County collected \$56,315, Leelanau County collected \$44,394 and Grand Traverse County collected \$229,086.

Expenditures for 1999 totaled \$1,083,4443 and included:

\$396,845 in Salaries for judicial, administrative and Friend of the Court staff.

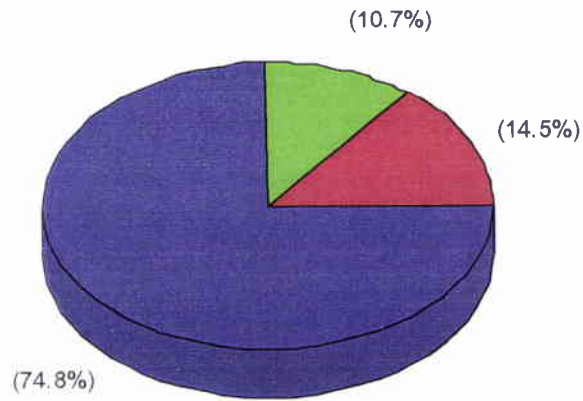
\$156,072 (including FICA of \$24,641) in Fringe Benefits for judicial, administrative and Friend of the Court staff.

\$329,723 in Contractual Services for payments for defense counsel and mediators, juror payments and mileage, equipment, furniture, travel, conferences, professional services, case-related payments, and other items central to administration and operation of the court.

\$30,110 in Commodities primarily for postage and office supplies.

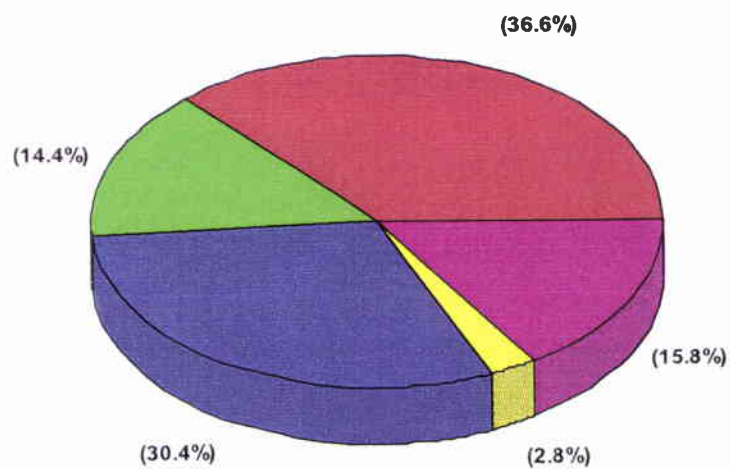
\$170,693 in Other Expenses for non-controllable costs borne by the Court for such items as computer services, equipment rental, printing, utilities, and liability insurance.

Revenues



■ Antrim
■ Leelanau
■ Grand Traverse

Expenditures



■ Salaries
■ Benefits
■ Contractual Services
■ Commodities
■ Other

OTHER MEMBERS OF THE COURT STAFF

Judicial Assistants

Each of the Circuit Court Judges employs a full time Judicial Assistant who assists the Court through legal research, memoranda and draft opinion writing, and fulfilling jury bailiff responsibilities during jury trials. Each Assistant works with the Judge in the preparation of the Court's civil scheduling conference order, so that realistic time frames are established for the progress of litigation through discovery, mediation, arbitration, final settlement conference, and trial.

The Judicial Assistants may work directly with the litigants and their attorneys during the settlement conferences to facilitate the resolution of cases before trial. The Judicial Assistants are available to answer the questions of counsel regarding the Court's local policies and procedures.

Mike Rader is Judge Power's Judicial Assistant. Mike has been with the Court for more than 14 years.



Barbara Budros is Judge Rodgers' Judicial Assistant. Barbara is an attorney. She is licensed to practice law in Texas and Michigan. She has a background in both criminal prosecution and civil litigation. Barbara is also a trained facilitative mediator.



Court Reporters

The Court employs two full time Court Reporters, Karen Carmody and Mike Miller.



The Court Reporters are assigned by the Receptionist to cover the official proceedings of the Court. Like the Circuit

Court Judges, the Court Reporters “ride the circuit,” reporting proceedings in each of the three counties as needed.

JURY BOARD

Each of the three counties within the Thirteenth Circuit has its own three member Jury Board. The members of the Jury Boards are appointed by the Governor for six-year terms. The members of the Grand Traverse County Jury Board are Nancy Muha, Amanda Pouzar, and Virginia Watson. The members of the Leelanau Jury Board are Al Porter, Inez Kirt, and Emma Grindstuen. The members of the Antrim County Jury Board are Cathleen Beal, Maxine Ouvey, and Margaret VanLooy.

Each Jury Board obtains the names of prospective jurors from the Secretary of State list of licensed drivers and is responsible for sending out the original juror questionnaires for their respective county. After the original questionnaire is returned, the Jury Boards pull the names of the jurors for their Circuit Court, District Court and Probate/Family Court.

The County Clerk’s Office in each county is responsible for actually summoning the jurors for a particular court panel. The County Clerk’s Office is also responsible for following up with any jurors who fail to return their initial questionnaires or who fail to appear when summoned.



Rosemary Morley is the Office Specialist for the Grand Traverse County Jury Board. Her position is designed to accommodate several needs and to cover duties that have been spread over several offices. Rosie provides clerical support and maintains accurate and timely minutes for the Board. Rosie generates and coordinates all the juries for the Grand Traverse County Circuit Court while coordinating the creation

of separate jury pools for both the 86th District Court and the Grand Traverse County Probate/Family Court. It is anticipated that she will eventually provide the same closely monitored jury notice system currently used for the Grand Traverse Circuit Court for the Grand Traverse District and Probate/Family Courts.

PROBATION DEPARTMENT



Billie Cooper, Tom Chapman, Chuck Welch, Nancy Bogart-Thorpe, Linda Lautner

Probation officers who assist the Circuit Court are employees of the Michigan Department of Corrections. There are probation officers for each of the three counties and they are located in an office in their respective county.

The probation officers are responsible for preparing pre-sentence investigation reports. They interview and obtain statements from defendants convicted of felonies and high court misdemeanors. They research the defendant's background for information as to family, education, physical characteristics and previous criminal history. They use this information to prepare a written report which the Court utilizes in sentencing. In 1999, a total of 383 pre-sentence investigation reports were completed by the Probation Department for an average of 32 pre-sentence investigation reports per month. An average of 469 clients were supervised per month by the five probation agents. There were an average number of six probation violations initiated per month.

The following is a list of crimes for which pre-sentence investigation reports were completed in 1999, along with a tally for each type of crime.

Crime Group	Total
Controlled Substance	51
Fraud	31
Embezzlement	7
OUIL	40*
UUA/UDAA	19
Larceny	45
Criminal Sexual Conduct	39
Failure to Register as a Sex Offender	6
Breaking and Entering	46
Carrying Concealed Weapon	5
Possession of Firearm by Felon	5
Attempt to Bring Weapon to Prison	1
Receiving & Concealing Stolen Property	14
Armed and Unarmed Robbery	3
Stalking	3
Resisting/Obstructing/Fleeing/Assaulting a Police Officer	29
Assault and Battery	2
Malicious Destruction of Property	3
False Bomb Threat	1
False Report of Felony	1
Arson (attempt)	1
Child Abuse	1
Domestic Violence	2
Desertion and Abandonment	4
Abscond on Bond	2

Aid and Abet Escape Felon	1
Felonious Driving	1
Felonious Assault	10
Homicide-Felony Murder	1
Homicide	2
Manslaughter	1
Attempted Manslaughter	1
Furnish Alcohol to Minor Causing Death	1
Murder	1

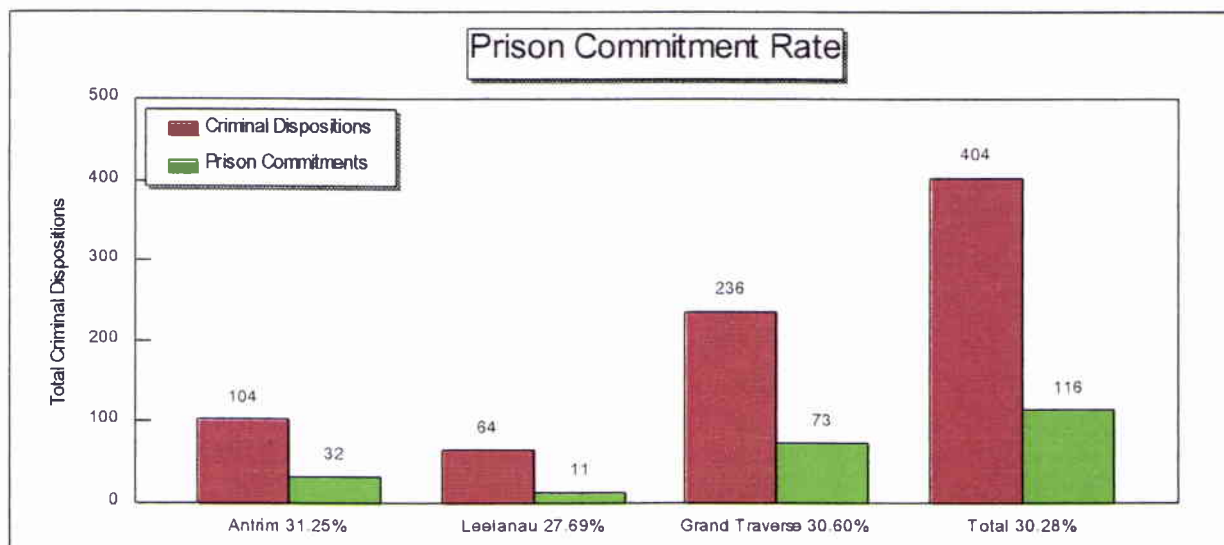
Total 383**

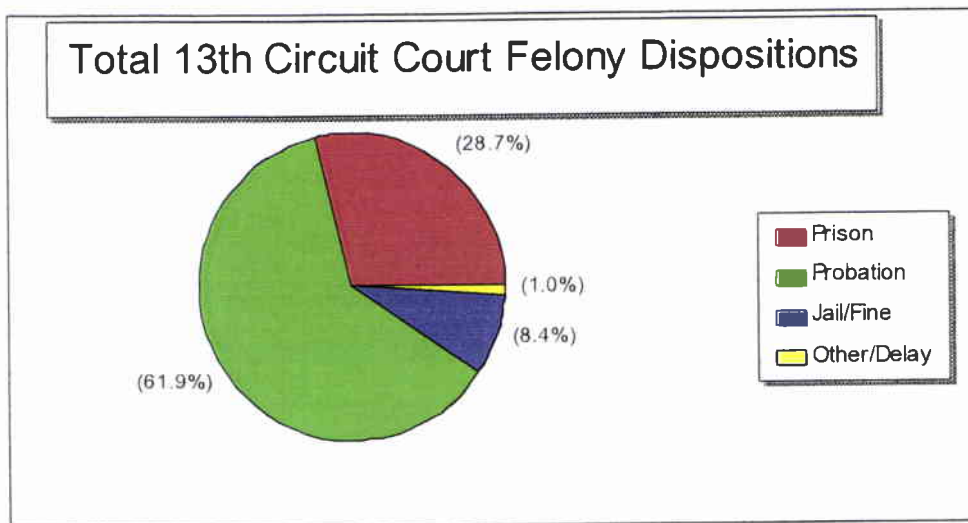
* Of the 40 total OUIL 3rd dispositions, 16 were sent to prison, for a commitment rate of 40%. Twenty-four others were sentenced to six months to one year in the county jail and placed on probationary supervision for the maximum allowable period of 5 years. During the probationary period of supervision, comprehensive substance abuse therapy is provided and the offender is required to maintain employment and repay court-imposed financial obligations. Regular drug and alcohol testing are also required.

** If there were multiple convictions on the same individual, only the most severe case was counted.

The Probation Department assists the Collections Clerk in her effort to recover costs and restitution. The Department works closely with the Office of Community Corrections to relieve the stress on the county jail and to begin the rehabilitative steps needed by setting up and supervising clients on early release programs, including voice tether or substance abuse treatment. The Community Corrections Program saved 20,505 bed days (56 daily) during the 1998-1999 fiscal year.

As illustrated by the graph below and the chart on the next page, the 1999 prison commitment rate was more than 31% in Antrim County, almost 28% in Leelanau County, and almost 31% in Grand Traverse County, for an overall commitment rate of more than 30% for the Thirteenth Circuit.





The Thirteenth Circuit historically accounts for a very small percentage of the total prison commitments in the State, but exceeds the overall State prison commitment rate. Commitments to prison in excess of the State rate reflect the Court's and the community's philosophy that serious crime receive meaningful and proportionate punishment.

Y2K READINESS

The Thirteenth Circuit Court computer system is a part of the Grand Traverse County system. It is maintained by the County's Management Information Systems (MIS) Department. The County embarked on a Year 2000 readiness program relating to its computer systems and other electronic equipment. The County initiated significant actions to address the Year 2000 issue which is primarily a problem of how to accommodate the four digit date and processing difficulties that may occur because of computer hardware and software that used two digits to represent the year. Substantial personnel resources were allocated within the existing MIS budget to work on Year 2000 issues. All in-house hardware and software was analyzed and vendors contacted requesting their Y2K compliance. To track compliance on equipment, an inventory form was created and any equipment suspected of being affected by Y2K was listed on the inventory form by department. Priorities were established based on the critical nature of the equipment.

The criminal case management software for all three counties was developed and implemented by the County MIS staff to be Y2K compliant. The civil case management software was upgraded to be Y2K compliant in early April of 1999.

GRAND TRAVERSE COUNTY LAW LIBRARY

The Grand Traverse County Law Library is located on the fourth floor of the County Courthouse in Traverse City. It operates in a partnership with the Grand Traverse-Leelanau-Antrim Bar Association, Grand Traverse County, and the Traverse Area District Library. The Law Library includes modern computer research capabilities including three computer terminals and many practical volumes on common subjects such as criminal law, divorce, real estate and zoning, probate and estate planning, and motor vehicle laws. The laws, statutes, court rules, and judicial decisions of the State of Michigan and the United States are all part of the collection. Users of the Library - including Court staff, County employees, attorneys, and the general public - appreciate that this collection is the most comprehensive one north of the Saginaw-Bay City Area. The Law Library is open to the public from

12:00 noon to 5:00 p.m. weekdays.



The Thirteenth Judicial Circuit Court oversees the budget as it relates to the library collection. The Traverse Area District Library and the Grand Traverse-Leelanau-Antrim Bar Association provide staffing for the Library. Grace Rudd is the County Law Librarian. The Library houses the Bar Association's Traverse Attorney Referral Service.

Judge Rodgers, his Judicial Assistant and the County Law Librarian serve on the Advisory Board for the Northwestern Michigan College Paralegal Program. The NMC Paralegal Program legal research class meets in the Law Library during the fall semester and the students' laboratory fees are used to purchase additional resources for the library.

CONTINUING LEGAL EDUCATION

The Thirteenth Circuit Court is involved in the Grand Traverse-Leelanau-Antrim Bar Association continuing legal education seminars. The Circuit Court Judges provide support for a special interest legal education seminar each year. On February 20, 1999, the Circuit Court co-sponsored a seminar on Evidence: Perspective from the Bench & What Convinces the Jury. The

seminar was moderated by the Honorable Philip E. Rodgers, Jr. There were three presenters. Plaintiff's personal injury attorney Grant Parsons discussed the use of modern courtroom video technology. Grant demonstrated the use of the Toshiba Presenter in introducing photographs, handling volume evidence rapidly, and manipulating mechanical objects for the jury's view. He also demonstrated the use of computer animation. Grand Traverse County Prosecutor Dennis LaBelle and forensic expert Detective Sargent Michael Imhoff, retired, discussed the collection of evidence from a murder scene and the efficient presentation of evidence by using models, scale diagrams and drawings, photographs and physical evidence to increase the comprehension and understanding of the judges and juries. Insurance defense counsel R. Jay Hardin reviewed audio-visual demonstrative evidence developed in connection with defending the medical malpractice case to show how such evidence can visually reinforce the litigant's position on a disputed factual point.

SPECIAL EVENTS, AWARDS AND RECOGNITIONS

Every year on Law Day, the Grand Traverse-Leelanau-Antrim Bar Association organizes various activities which help to introduce members of the general public to the legal system and legal profession. The Bar organizes tours of the Governmental Center, Law Enforcement Center, Courthouse, and County Law Library. The Bar staffs an "Ask the Lawyer" forum at the local mall and a panel to meet with senior citizens to answer their law-related questions.

Every year a member of the community is honored as the recipient of the Liberty Bell Award. At the Law Day breakfast, this award is presented to a non-lawyer for his/her contribution to the community and to the legal system. In 1999, District Court Probation Officer Michael Freeland was the recipient of this award. Michael received the award for his efforts in organizing a program to bring court into the schools. The program brings criminal defendants before a judge for misdemeanor arraignments or sentencing in a school gym or cafeteria before an audience of students and introduces the students to the criminal justice system.

Nanette Courson, Sandra Sinclair and J. Paul Lezon of the Friend of the Court's Office were each presented with a framed etching of the Grand Traverse County Courthouse in commemoration of their more than 15 years of service to the Court.

Kudos to Grace Rudd, Executive Director of the Grand Traverse-Leelanau-Antrim Bar Association, for the wonderful job she did refurbishing the lawyers' lounge on the third floor of the Grand Traverse County Courthouse.